IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO. 1085 OF 2007

P. A. Patel & others.... .... Petitioners.

Versus

The Life Insurance Corporation
of India & Ors. ... ... Respondents.

Mr. V. P. Sawant for the Petitioners.
Mr. V.Y.Sanglikar for Respondent Nos.1 & 6.

CORAM : B.H.MARLAPALLE, J.

DATED : 20TH APRIL, 2007.

P.C.:

Heard Mr. V. P. Sawant, learned Counsel for the petitioners and Mr. V. Y. Sanglikar, learned Counsel for respondent nos.1 and 6.

2. Mr. Sanglikar has invited my attention to the Division Bench order dated 5th February, 2006 passed in Writ Petition No. 6846 of 2005 and in the said order it has been held that against the appellate order passed by the Principal Judge of the City Civil Court under the Public Premises Act a revision under Section 115 of the Code of Civil Procedure would lie

and when such a statutory remedy is available a writ petition need not be entertained. The same view applies in this case as well and therefore Mr. Sawant, learned Counsel for the petitioners, seeks leave to withdraw the petition and file a civil revision application against the impugned order passed by the learned Principal Judge of the City Civil Court holding that Misc. Appeal No. 2 of 2002 was not maintainable on account of jon-joinder of necessary parties.

3. Leave granted and the petition is disposed off as withdrawn with liberty to the petitioners to file the civil revision application. However, an order of status quo was passed by this Court on 15th March, 2007 and it was continued for some time. Mr. Sanglikar, learned Counsel for respondent nos.1 and 6 states that respondent no.1 shall not take further steps for execution of the eviction decree till 15th June, 2007.

4. This order is passed without prejudice to the rights and contentions of the respective parties.

Sd/-

(B. H. MARLAPALLE, J.)